

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47994 of 2019

Arising Out of PS. Case No.-341 Year-2014 Thana- CHANPATIA District- West Champaran

1. Mahendra Mahto, Son of Late Shital Mahto Resident of Village- Nuniyawa Tola, P.S.- Chanpatia, District- West Champaran
2. Santosh Mahto, S/o Mahendra Mahto Resident of Village- Nuniyawa Tola, P.S.- Chanpatia, District- West Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar

For the Opposite Party/s : Mrs.Gulnar Begum

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-08-2019 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 376, 341, 323, 504 and 506/34 of the Indian Penal Code.

The prosecution case as per the initial complaint being filed by Lilawati Kunwar which came to be registered as police case after the same being transferred under Section 156(3) of the Cr.P.C. is to the effect that on 09.07.2014 at 8.00 P.M., petitioner no. 2, Santosh Mahto took away the informant on the point of pistol in an orchard and thereafter ravished her. Subsequently, the informant came at her house and narrated the incident to her



family members and when they went to the house of petitioner no. 2, Santosh Mahto to make protest, other co-accused persons abused and assaulted the family members of the informant.

It is submitted by learned counsel for the petitioners that for the occurrence of 09.07.2014, the complaint was filed on 10.07.2014 which came to be registered a police case on 01.12.2014 and on conclusion of the investigation, final form was submitted, petitioners were not sent up for trial but subsequently differing with the final form, cognizance has been taken. It is further submitted that there is no medical report on record to corroborate the accusation and the FIR does not suggest that the informant was subjected to any medical examination. A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that the petitioners are named in the FIR.

Considering the fact that on conclusion of the investigation, final form was submitted, petitioners were not sent up for trial and there is no medical report on record, coupled with the statement made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, let



the above named petitioners be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the each like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Chanpatia P.S. Case No. 341 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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